



Legislation Text

File #: 17-008-O, **Version:** 1

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO PROVIDE FOR THE RECLASSIFICATION OF PROPERTY NORTH OF WEST ARROWHEAD ROAD AND EAST OF SWAN LAKE ROAD FROM R-2 TO MU-P.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That land fronting the north side of West Arrowhead Road and East of Swan Lake Road, addressed as 3625 and 3727 West Arrowhead Road and, and as more particularly described as follows:

Those parts of the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter, Section 8, Township 50, Range 14, St. Louis County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence easterly, along the south line of said Southeast Quarter of the Southwest Quarter, a distance of 740.06 feet to the east line of the West 740.00 feet of said Southeast Quarter of the Southwest Quarter; thence northerly, along last described east line, a distance of 656.07 feet to the north line of the South Half of said Southeast Quarter of the Southwest Quarter; thence on an assumed bearing of South 89 degrees 04 minutes 50 seconds West, along last described north line, a distance of 76.00 feet to the east line of the West 664.00 feet of said Southeast Quarter of the Southwest Quarter; thence North 68 degrees 02 minutes 22 seconds West a distance of 362.97 feet; thence South 89 degrees 36 minutes 51 seconds West a distance of 400.47 feet to the west line of the East 72.18 feet of said Southwest Quarter of the Southwest Quarter; thence southerly, along last described west line, a distance of 542.12 feet to the south line of the North 1056.00 feet of said Southwest Quarter of the Southwest Quarter; thence easterly, along last described south line, a distance of 72.18 feet to the west line of said Southeast Quarter of the Southwest Quarter; thence southerly, along last described west line, a distance of 261.02 feet to said point of beginning.

be rezoned from Urban Residential (R-2) to Mixed Use Planned (MU-P), and that the official zoning map of the City of Duluth as referenced in Chapter 50 of the Duluth City Code, 1959, is amended to read as shown in the attached document.

Section 2. That this ordinance shall take effect and be in force 30 days from and after its passage and publication.

STATEMENT OF PURPOSE: This ordinance provides a zoning change from R-2 to MU-P for portions of land owned by Eastridge Community Church. The Mixed Use-Plan (MU-P) zone district allows for more flexibility for development than traditional zone districts. The property owner wishes to develop the property to include a mix of uses, such as a fitness facility or a restaurant, that would

support or encourage new membership in the church organization.

Following the approval of a rezoning ordinance by the city council, MU-P districts must submit a detailed Regulating Plan for approval by the Land Use Supervisor. Requirements of the Regulating Plan are listed in UDC Section 50-15.7.E and 50-15.7.F. The Regulating Plan must be consistent with the Concept Plan and must be approved before any building permits can be issued for the property.

The Planning Staff recommended that the applicant amend their proposed concept plan to remove reference to a potential grocery store, and clarify that any future restaurant would not have a drive through element. The property owner's representative agreed and the revised Concept Plan, listed as Attachment 3, shows the revisions. In addition, the property owner's representative agreed to record a pedestrian or access easement over a portion of their property to allow the general public to have legal access to the hiking trails in the rear of the property (over parcel A in the Concept Plan).

On February 14, 2017, the Duluth city planning commission held a public hearing on the proposal and voted 7 yeas, 0 nays, and 0 abstentions to recommend that the city council approve the rezoning requested for the following reasons:

- 1) The proposed rezoning is able to implement the objectives of the Comprehensive Plan related to the proposed land use for this area.
- 2) The rezoning is consistent with the Comprehensive-Plan Future Land Use Map changes as recommended by the 2016 Arrowhead Road Land Use Plan.
- 3) Material adverse impacts on nearby properties are not anticipated.

The motion to approve the rezoning must prevail with an affirmative vote of a simple majority by the city council.

Petition Received: January 5, 2017

Action Deadline: May 5, 2017

Petitioner:

Eastridge Community Church
Attn: Tom Asbury
3727 West Arrowhead Road
Duluth, MN 55811

PL 17-005